

**BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**VICTOR BRIAN BOUCHER, M.D.**

2609 W. Southern Avenue  
Tempe, AZ 85282-4237

Physician and Surgeon's  
Certificate No. A-60583

Respondent.

Case No. 16-1999-94120

**DEFAULT DECISION**

On or about August 12, 1999, an employee of the Medical Board of California (hereinafter "Board") sent by regular and certified mail, a copy of Accusation No. 16-1999-94120, Statement to Respondent, Government Code sections 11507.5, 11507.6, 11507.7, Notice of Defense form and a Request for Discovery, to Victor Brian Boucher, M.D., (hereinafter "respondent") at his address of record, 2609 W. Southern Avenue, Tempe, AZ 85282-4237. The package was accepted via registered mail at the address of record on August 19, 1999. A copy of the Declaration of service and postal return documents are attached as **Exhibit 1** and incorporated by reference.

Respondent filed a Notice of Defense with a note advising that he does "not wish to proceed with a hearing to reactivate my California medical license at this time". Respondent has thereby waived his right to a hearing to contest the Accusation. The Division of Medical Quality now proceeds to take action based upon the Accusation, declarations, and documentary evidence on file in accordance with Government Code sections 11505(a) and 11520.

## **FINDINGS OF FACT**

### **I**

Ron Joseph is Executive Officer of the Medical Board of California, Department of Consumer Affairs, State of California and brought the charges and allegations in the Accusation solely in his official capacity.

### **II**

On or about July 18, 1996, the Board issued Physician and Surgeon's Certificate No. A-60583 to respondent. Said license is delinquent with an expiration date of October 31, 1999.

### **III**

On August 3, 1999, an accusation was filed by the Board alleging causes for discipline against respondent. Attached as Exhibit 2 and incorporated by reference is a true and correct copy of the accusation. The accusation was duly served on respondent. Respondent failed to file a Notice contesting the allegations contained in the accusation and failed to request a hearing under the Administrative Procedure Act.

### **IV**

The allegations of the Accusation, are true as follows: on that on or about August 14, 1998, respondent had entered into a REHABILITATION STIPULATION AND ORDER with Arizona's Board, in which respondent agreed to participate in the Arizona board's substance abuse treatment and rehabilitation program. Among conditions respondent agreed to follow were participation in group therapy, attendance at twelve-step or self-help group meetings, limitations on the use of medications, availability for biological fluid collection, and abstention from use of alcohol or poppy seeds, as well as other special and standard terms and conditions. On or about August 14, 1998, respondent notified the Arizona board that he had relapsed and violated his

Rehabilitation Stipulation and Order. The Arizona board then filed its REQUEST FOR AND ORDER GRANTING INACTIVE STATUS WITH CAUSE referenced in paragraph 4, above, which respondent signed on or about August 19, 1998, and which then issued on or about August 20, 1998. Attached as Exhibit 3 is a true and correct copy of the order, issued by the Arizona Board of Medical Examiners.

### DETERMINATION OF ISSUES

#### I

Pursuant to the foregoing Findings of Fact, respondents conduct is subject to discipline within the meaning of section 141(a). Said conduct constitutes cause for revocation of license.

### DISCIPLINARY ORDER

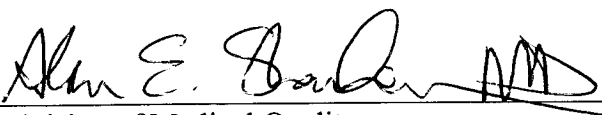
Physician and Surgeon's Certificate No. A-60583 heretofore issued to VICTOR BRIAN BOUCHER, M.D., is hereby revoked.

Respondent shall not be deprived of making a request on relief from default as set forth in Government Code section 11520(c) on good cause shown. However, such showing must be made in writing by way of a motion to vacate the default decision and directed to the Division of Medical Quality, Medical Board of California, 1426 Howe Avenue, Sacramento, California 95825 at least seven (7) days of service of the decision.

This decision shall become effective on February 2, 2000.

DATED: January 3, 2000

MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By:   
Division of Medical Quality  
Alan E. Shumacher, M.D.  
Acting Chair, Panel A

BILL LOCKYER, Attorney General  
of the State of California  
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Attorneys for Complainant

**FILED**  
**STATE OF CALIFORNIA**  
**MEDICAL BOARD OF CALIFORNIA**  
**SACRAMENTO** August 3 19 90  
**BY** Victoria Army **ANALYST**

**BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:	)	Case No. 16-1999-94120
	)	
<b>VICTOR BRIAN BOUCHER, M.D.</b>	)	
5350 N. Brawley, #115	)	<b>A C C U S A T I O N</b>
Fresno, CA 93722	)	
	)	
Physician and Surgeon's	)	
Certificate No. A-60583	)	
	)	
Respondent.	)	

The Complainant alleges:

**PARTIES**

1. Complainant, Ron Joseph, is the Executive Director of the Medical Board of California (hereinafter the "Board") and brings this accusation solely in his official capacity.
2. On or about July 18, 1996, Physician and Surgeon's Certificate No. A-60583 was issued by the Board to Victor Brian Boucher, M.D. (hereafter "respondent"). Said certificate is renewed and current, with an expiration date of October 31, 1999.

**JURISDICTION**

3. This accusation is brought before the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"),

1 under the authority of the following sections of the California Business and Professions Code  
2 (hereinafter "Code"):

3           A.     Section 2227 of the Code provides that the Board may revoke, suspend for  
4 a period not to exceed one year, or place on probation, the license of any licensee who has  
5 been found guilty under the Medical Practice Act, and may recover the costs of probation  
6 monitoring if probation is imposed.

7           B.     Section 141 (a) of the Code provides in relevant part that a disciplinary  
8 action taken by another state, by any agency of the federal government, or by another  
9 country, for any act substantially related to the practice regulated by the California  
10 license, may be a ground for a disciplinary action by the Board.

11           C.     Section 125.3 of the Code provides, in part, that the Board may request the  
12 administrative law judge to direct any licensee found to have committed a violation or  
13 violations of the licensing act, to pay the Board a sum not to exceed the reasonable costs  
14 of the investigation and enforcement of the case.

15           D.     Section 14124.12(a) of the Welfare & Institutions Code provides in  
16 pertinent part that upon written notice of the Medical Board of California that a physician  
17 and surgeon's medical license has been placed on probation as a result of a disciplinary  
18 action, no Medi-Cal claim for the type of surgical service or invasive procedure giving  
19 rise to the probationary order and performed on or after the effective date of said  
20 probationary order or during the period of probation shall be reimbursed, except upon a  
21 prior determination that compelling circumstances warrant the continuance of  
22 reimbursement during the probationary period for procedures other than those giving rise  
23 to the probationary order.

24           4. Respondent is guilty of unprofessional conduct within the meaning of Code  
25 section 141 (a) as set forth in greater detail herein below.

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**FIRST CAUSE FOR DISCIPLINE**  
**(Out of State Discipline)**  
**[Bus. & Prof. Code §§ 141 (a)]**

5. On or about August 20, 1998, the Board of Medical Examiners of the State of Arizona issued an order pursuant to a REQUEST FOR AND ORDER GRANTING INACTIVE STATUS WITH CAUSE, placing respondent's Arizona license to practice medicine on Inactive Status with cause, pursuant to Arizona statute A.R.S. § 32-1452.F.

6. The facts underlying the Order referenced in paragraph 5, above, are as follows. On or about August 14, 1998, respondent had entered into a REHABILITATION STIPULATION AND ORDER with Arizona's Board, in which respondent agreed to participate in the Arizona Board's substance abuse treatment and rehabilitation program. Among conditions respondent agreed to follow were participation in group therapy, attendance at twelve-step or self-help group meetings, limitations on the use of medications, availability for biological fluid collection, and abstention from use of alcohol or poppy seeds, as well as other special and standard terms and conditions. On or about August 14, 1998, immediately after receiving his license and signing the Rehabilitation Stipulation and Order, and in celebration of the event, respondent consumed alcoholic beverages. On or about August 17, 1998, respondent notified the Arizona Board that he had relapsed and violated his Rehabilitation Stipulation and Order. The Arizona Board then filed its REQUEST FOR AND ORDER GRANTING INACTIVE STATUS WITH CAUSE referenced in paragraph 5, above, which respondent signed on or about August 19, 1998, and which then issued on or about August 20, 1998.

7. A true and correct copy of the REQUEST FOR AND ORDER GRANTING INACTIVE STATUS WITH CAUSE issued by the Board of Medical Examiners of Arizona, as described in paragraph 5, above, is attached as "Exhibit A" and incorporated herein by reference.

8. Respondent's conduct and the Order of the Board of Medical Examiners for the State of Arizona, as set forth in paragraphs 5 and 6, above, constitute conduct subject to discipline within the meaning of Code sections 141 (a).

**PRAYER**

1 PRAYER

2 **WHEREFORE**, the complainant requests that a hearing be held on the matters  
3 herein alleged, and that following the hearing, the Division issue a decision:

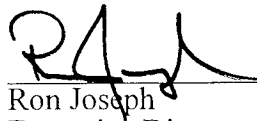
4 1. Revoking or suspending physician and surgeon's certificate Number A-  
5 60583 heretofore issued to respondent, Victor Brian Boucher, M.D.;

6 2. Revoking, suspending or denying approval of the respondent's authority to  
7 supervise physician's assistants, pursuant to Business and Professions Code section 3527;

8 3. Ordering respondent to pay the Division the actual and reasonable costs of  
9 the investigation and enforcement of this case and the costs of probation monitoring if probation  
10 is imposed; and

11 4. Taking such other and further action as the Division deems necessary and  
12 proper.

13 DATED: August 3, 1999.

14  
15 

16 Ron Joseph  
17 Executive Director  
18 Medical Board of California  
19 Department of Consumer Affairs  
20 State of California

21 Complainant

22 forms\accuse [115 rev]  
23  
24  
25  
26  
27

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA

In the Matter of	)	
	)	
VICTOR B. BOUCHER, M.D.	)	REQUEST FOR AND ORDER
	)	GRANTING INACTIVE STATUS
	)	WITH CAUSE
Holder of License No. 26898	)	
For the Practice of Medicine	)	
In the State of Arizona	)	
	)	
Bomex Inquiry-Victor Boucher, M.D.	)	
Inv. # 12200	)	
_____	)	

FINDINGS OF FACT

1. On August 14, 1998, the Board of Medical Examiners (BOMEX) granted Victor B. Boucher, M.D. (Boucher) license number 26898 to practice medicine in Arizona.
2. When BOMEX granted Boucher his license, he entered into a Rehabilitation Stipulation and Order, pursuant to A.R.S. § 32-1452, in which he acknowledged that any violation of the Order constitutes unprofessional conduct as defined in A.R.S. § 32-1401.25.r., and may result in disciplinary action pursuant to A.R.S. § 32-1451.
3. Paragraph 21 of the Rehabilitation Stipulation and Order contains a provision for "Relapse, Violation," which states that "in the event of chemical dependency relapse ...or use of... alcohol by Physician in violation of this Order, Physician shall promptly enter a treatment program



for chemical dependency designated by the Board or staff, and Physician's license shall be designated as placed on inactive status with cause."

4. On August 14, 1998, immediately after receiving his license and signing the Rehabilitation Stipulation and Order, and in celebration of the event, Boucher consumed alcoholic beverages.
5. On August 17, 1998, Boucher notified the Board that he had relapsed and violated paragraph 21 of the Rehabilitation Stipulation and Order.

#### CONCLUSIONS OF LAW

1. Boucher's conduct and the circumstances described in paragraphs 1 through 5 of the Findings of Fact violate A.R.S. § 32-1401.25.r. When Boucher consumed alcoholic beverages on August 14, 1998, he violated the terms and conditions of the Rehabilitation Stipulation and Order that he entered into with BOMEX on that date.
2. Boucher's conduct and the circumstances described in paragraphs 1 through 5 of the Findings of Fact constitute grounds for discipline against his license to practice medicine pursuant to A.R.S. § 32-1451.
3. Boucher's conduct and the circumstances described in paragraphs 1 through 5 in the Findings of Fact require that BOMEX place Boucher's license to practice medicine on Inactive Status with cause pursuant to A.R.S. § 32-1452.F.

### STIPULATION

1. I, VICTOR B. BOUCHER, M.D., hold license number 26898 to practice medicine in Arizona.
2. Pursuant to A.R.S. § 32-1452.F, I request that BOMEX place my medical license number 26898 on inactive status with cause, effective at 12:01 a.m. on the date of this Order, because I acknowledge that I violated the terms of my Rehabilitation Stipulation and Order, dated August 14, 1998.
3. I agree not to practice medicine in Arizona or any other state, territory or district of the United States or a foreign country while my Arizona license is on Inactive Status with cause. I understand that I may not hold or maintain a controlled substance certificate with the Drug Enforcement Administration or write or refill prescriptions as long as my license is classified as Inactive. I understand that if I practice medicine while my license is on Inactive Status, I will be considered to be practicing medicine without a license or without being exempt from licensure, which is a felony.
4. Prior to my license being placed on Inactive Status with cause, I agree that I shall have paid all fees required by the Medical Practice Act, A.R.S. § 32-1401 et. seq.
5. I agree that I shall not request reactivation of my license to practice medicine in Arizona until I meet with BOMEX, or one of its properly

designated committees, at a regularly scheduled meeting, and avow that I have complied with all of BOMEX's requests. Such requests may include, but are not limited to, long-term inpatient treatment, psychiatric and psychometric evaluation, physical examination and testing, and written and /or oral competency examinations. I understand that BOMEX will not reactive my license until it is satisfied that I am medically competent and mentally and physically able to safely practice medicine.

DATED this 19 day of August, 1998.

  
VICTOR B. BOUCHER, M.D.

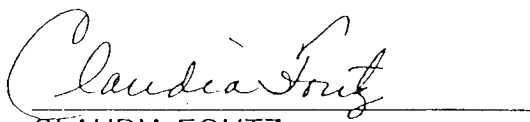
ORDER

Pursuant to A.R.S. § 32-1452.F and VICTOR B. BOUCHER'S request, it is hereby ordered that his license number 26898 is placed on Inactive Status with cause.

DATED this 20<sup>th</sup> day of August, 1998.

BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA

SEAL

  
CLAUDIA FOUTZ  
Executive Director

MELISSA CORNELIUS  
Deputy Director